

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF AMHERST COMMUNITY TELEVISION INC.

Amherst Community Television, Inc. DBA Amherst Media, appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Amherst Media, located in Amherst Massachusetts, has for the past 42 years provided diligent and mindful work, on daily bases, to provide not only transparency of local government deliberations and actions but to also ensure the active manifestation of the First Amendment, Freedom of Speech, for all citizens and organizations.

Amherst Media offers the 7,000 subscribers local programming on our Public, Education, and Government Channels. One example of the unique and vital programming Amherst Media made available was the recent local undertaking to consider changing the Town’s Charter. To ensure the residents of Amherst had as much information as possible leading up to the historic vote to change the town’s charter, Amherst Media recorded and broadcasted forum and debates held by the Amherst League of Women Voters and the Democratic Committee as well as Amherst Media’s own. All interested parties were allowed to record their viewpoints for cablecasting.

This effort was further carried out with the candidates for the 3rd District House race. Videotaping debates held by The Food Bank, Amherst Educational Foundation, and the Amherst League of Women Voters. After the new Charter was voted in, all district and town-wide candidates were invited in to record their messages to the voters. Amherst Media was the only regional media outlet to provide such extensive and thorough coverage and opportunity.

But local politics weren't the only voices being recorded by Amherst Media. Amherst Media was there to capture the Woman's Club of Amherst Celebrate their 150th celebration, as well as finish a video promotional for the organization A Better Chance's 50th anniversary.

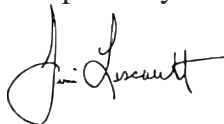
The *humanities* are often described as the study of how people process and document the human experience. It is in that light we were privileged to experience Greg Wantanabe's dramatic theater performance in Jeane Sakata's one man show "Hold These Truths". Poets, authors, scientists and musicians graced our programming with their interpretations of what it means to be human.

We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees. For 42 years, the Town of Amherst has entered binding contracts with various cable providers with specific contractual agreement that programming viewing was not the result of franchise fees but rather the obligation of the provider. We strongly object to the cable industry utilizing self -identified fair market value to determine franchise fees, leading to arbitrary deductions.

Amherst Media receives 5% of cable revenues for operational services. Last fiscal year that was \$323,000. As an independent non-profit, we pay rent, utilities, multiple insurance policies and try to pay a fair living wage to the four (4) FTE. Recently with the adoption of the revised Standard Accounting Practices, Amherst Media has witnessed a pronounced 9% decrease in each of the past three quarterly payments. To withstand that lost and to try to meet the local expectations of producing nearly 200 local programs a year will be challenging if not impossible. By allowing the proposed random in-kind deductions we will potentially experience a monumental loss of production capacity. These are shows, such as the previously mentioned Charter Change, that are uniquely Amherst based and not produced by the other television affiliates located in the Western Massachusetts catchment area. The local anticipation and trepidation of shifting to a new form of elected governing body, and eliminating the historical Town Meeting format, has already placed additional requests for videotaping upon Amherst Media. The community has become dependent upon viewing their local government, not only “Live” but upon demand. These critically important local programming Amherst Media produces are not otherwise available on the cable system or satellite. These non-capital PEG related provisions enable the residents to participate in and view the locally produced programming, which truly benefits the public at large.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted, November 28, 2018

A handwritten signature in black ink, appearing to read "Jim Lescault", with a stylized, cursive script.

James Lescault
Executive Director, Amherst Media
246 College Street
Amherst, MA 01002

